

AFFIDAVIT OF MIKE SIMS

I, Mike Sims being first duly sworn upon oath, state as follows:

1. My name is Mike Sims. I am over the age of 18 and qualified to give this statement. I have personal knowledge regarding the matters contained in this affidavit.

2. I am currently employed as the Generation and System Control Manager of the Farmington Electric Utility and have been in my current position during the entirety of Juanita Garcia's employment with the Electric Utility.

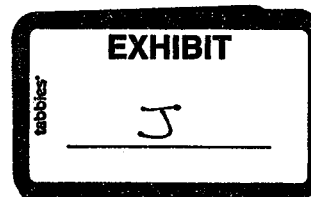
3. As Generation and System Control Manager of the Electric Utility, one of my duties is to oversee the Generation Superintendent, Richard Miller, who oversees the operation of the City of Farmington's Animas, Bluffview, and Navajo Power Plants, divisions of the Electric Utility.

4. As Generation and System Control Manager of the Electric Utility I perform administrative, supervisory, and professional engineering work necessary to coordinate and supervise system control and manage the power plant facilities.

5. As Generation and System Control Manager of the Electric Utility I oversee a diverse staff of subordinates for whom I conduct performance evaluations, handle personnel issues related to counseling, discipline, and hiring/promotions.

6. As Generation and System Control Manager of the Electric Utility I am responsible for ensuring that all NERC and WECC reliability standards and criteria are adhered to, as well as making sure all FERC, EPA, OSHA, and other regulatory standards, rules, and regulations are met.

7. Juanita Garcia was hired by the Electric Utility on April 1, 2009 as an Operations Technician – Trainee I. All personnel in the Operations Technician – Trainee I position perform



the same or substantially similar tasks, participate in the same training, and are held to the same standards and schedule requirements.

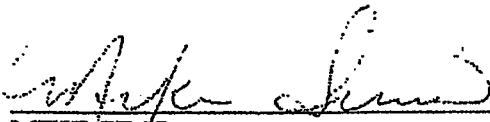
8. At the Request of Generation Superintendent Richard Miller, I met with Juanita Garcia on May 27, 2009 in order to clarify to her the requirements of her position as an Operations Technician Trainee I. It was my understanding that Ms. Garcia had been disruptive and insubordinate when asked to perform assignments by the Operations Technicians at the Bluffview Power Plant. Ms. Garcia's version of the events differed substantially from those of the Operations Technician involved. I explained to Ms. Garcia that she was to do exactly as the Operations Technician on duty requested and, if she thought she was being taken advantage of, to discuss it with Mr. Miller but by no means was she ever to refuse to perform a task unless a safety issue was involved.

9. I have met with Juanita Garcia regarding her union grievance and she has been completely unreceptive to any attempts by the City of Farmington to resolve the grievance. It is my impression that she is seeking special treatment in the form of a promotion for which she is ineligible and unqualified.

10. As Generation and System Control Manager of the Electric Utility, I ensure that each and every claim of discrimination or retaliation is and has been addressed in line with the City of Farmington equal opportunity and affirmative action policy.

11. I do not believe Juanita Garcia has been discriminated against or retaliated against during her employment with the Electric Utility.

FURTHER AFFIANT SAYETH NOT.



MIKE SIMS

State of New Mexico)
) ss.
County of San Juan)

SUBSCRIBED and SWORN to before me this 28th day of January, 2011 by Mike Sims.



Notary Public

My Commission Expires:

Jan. 15, 2012